

5.R.6

*Henry. Queen of Scotland*

ALLEGATIONS AGAINST  
THE SUPREMACY  
OF THE QUEEN  
OF SCOTTS AND THE

*fauorers of  
the same*



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Althoughe yt be fyt, & most fyt, for pryuate psones  
to trauell & occupie them selfs in pryuate things: and  
so leaue the care & conseration of puplicke matters, to  
those that stonde at beine & haue in bande the charge  
& gouerning of like casis: yet fynding by sondrie dea-  
lings & suspitious practises abroad, as well as by  
large speche & sene froward disposicion at home, gret  
presumption of some ill meaning, and thereby gret daunger  
dought & trouble lykely to ensue, both unto thole state  
generallye, & unto euerye one of us peticulerlye, if the  
same be not in tyme somwhat sene unto: Partlye to  
touch the same & partly to shew furthe the error, But  
chuse thus to comende the case, unto the remembrance of  
the wise & honorable: whose callings, & whose wis-  
domes, gret zeale, grauitye, & iudgment: be moste fit to  
consider of suche matters, I haue done thus muche.  
Vnlike as it maye sende therunto, unto the tranquille  
peace & quyetnesse, both of our Prince & contrie, &  
to the better informatiō & instructiō of other, rather  
than any other vvaie so any ppyt, any same, or any pce of  
comoditie, unto nny self: or ells of any malycyouse mind  
or hatefull disposicion towarde any other: so trust I yt  
maye be receiuid, & sene for these respects & for this  
tyme, the lesse unfit. And thus brishe so farre the bit-  
ter, & more larger vvorke of other (if neede shall requir-  
e) do I comende this in the meane tyme, unto the bene-  
fite & iudgment of the gentill reader.

THE DANGER, doubt, and trouble, wherof  
meane, is th'uncerten conceit by doubtfull occasions.  
To whom of right by lawe of this realme of Englande  
the Succession of the Crowne should happ. and that there-  
by, the confuse opinion of manie semeth to be, that the  
succession aparteneth unto the Ladie Mary wyve. Q. of  
Scots: in case that Quene ELIZABETH our sove-  
raine Ladie & misteris: shulde have no heires of her  
bodie, (whiche god forbid) & that the same opinion is of  
dyvers: some for one cause, & some for another, w<sup>th</sup> the  
gret studie, indeuore and earnestnesse: meruelouslie fac-  
tionatid & fauorid.

If the succession should fall vnto the said Ladie MARY  
ryghtfullie, according to the lawes of the lande quidd  
for like casis: I do not wishe for anye respecte semcable  
vnto us, ether for the better weale, or greter prosperity  
of this our countre, or ells for any other occasion; that  
she shulde be excludid, defeitid, or any wyaye put by the  
same. for in so doing I thinck verilye, that God of his  
iustice would neuer prosper the determinatiō.

But if she be not callid vnto the Crowne or succession, by  
iuste & decreite meane: I thinck thā it were A mere  
simplicie, aplane follye, yea a gret madnesse, for us by  
our cōsent, to suffer ether her, or anie that shulde be born  
of her bodie, to come vnto the gouernmt therof. for  
if it shulde so happe, what shulde become of us and our

entre in offit: But as bond & subiecte unto Asoraine  
tion? those should be put in trust, those should be the  
confessors, those of secretaries, those the great  
those in fauore & credit, those all in all; if not in name  
at leste in deed: those shall be rulers & gouernours beare  
& vnder our contrie become & vnder as strangers: those  
those in grete beere committance & as Etornes vnder as  
be come us if vnder vnder in rest: rather to abase our  
tyrannis & souldely, or else to become secreters & fol  
loers of them. And vnder the vnder as mind can vnder as  
these things of the Scots; a people by custome & almost  
nature our enemies, thirst of our blood, poure & mis  
gerable by their contrie & in yon seuour vnder as  
this as if the rather if the ye be not: & as vnder  
vnder as reason & deuine ought not y? Vnder as  
vnder as proclamations, & other deuine, maye daye be in  
vnder as practised & satisfied, to open the vnder as  
scots maye trade & communicate the comodities, of our  
contrie; & not to be communicators vnder as reason. But as  
tyranny or se commanders either vnder as reason good pol  
licie for it is state: and contrary to the same & ding  
nity of the same; that vnder as passe over to the confederati  
on of the grane & realfull; in matters in touch the the  
vnder as & honour either of them selfe or of their contrie  
But as, but maye passe the rest to seruice & vnder as  
cousion & in at the first, & to make our vnder as



gret benefites men woulde ther lacks & miseries, maie be  
Bycause it is at may be do id, can not be, or maie not  
seme to be done only by them, that therfore it be as it  
were in & by the fauore of other strangers. and so  
woulde the hope that other maie haue to be parteners here  
in the booye: or ells to haue some other share, sell vnder  
maie they together seke to put us unto a generall sacke: or  
ells in syne, force us to liue, in the same sorte, seruitude  
& bondage that those of oth. r countres do the tyme &  
seraie in: vnder the subiection rule & gouernment of other  
strangers. And this is no. s. be p. esomid of, that ye  
shall only conyue vre during the tyme of the. Q. of Scots:  
but that. h. like shall remaine in the reigns of her childre  
& the rest of her succession. and hereof vre haue bes. re  
our eyes the exāple of. VV. the Conqueror & the norman  
lawes vpon the voiche unto this daie, vre bey. s. gouerned  
and the reputation & dignitie that the houses that did  
come ovt of Normady vntil the conqueror, be ene vnto  
this daie holde in. the vrych things giue the us. unde  
stand that those that did disses of him, although that they  
were borne in ingland, had yet alwaies minds rather to  
be copid norman than inglishe. as if normady had re  
man. l. vntil this tyme vnder the subiection & gouernment  
of the kings of englade decedid of him: vre shoulde haue  
se in vwhat authority & credit the normans woulde haue  
ben in. VVill it pass also, if it shuld so happ, the

beware lesse  
papishe pra  
crouns, & sup  
for scotlande  
not the effe  
this ells wher  
to faule ovr  
yelande

entre in effe: But as bond & subiecte unto A for  
tion? those shuld be put in trust, those shuld be  
confessours, those of cretarius, those the great ff  
the in fauore & credit, those all in all; if you in na

# FOXING.

ackin praclised & set forth, to open the vaine state of  
fects more trade & communicate the commodities, of our  
conter, & not to be communicators with reason. But as  
tyranny or se commanders ether without reason or good poli  
tye for it is state and contrary to the same & doing  
nity of the same, that will passe over to the confederatio  
of the grane & realfull, in matters it toucheth the  
vraile & honor ether of them selfs or of the conter.  
But this, has more passe the rest to seruice, turns &  
cousion, & in the first, & to make our vbraile and

CROPPED  
PAGES.

jurangers. And this is no: to be presumed of, that ye  
shall only comyne pre during the tye of the Q. of Scots;

are lesse  
the praf  
us, & sup  
scotlande  
not the effe  
thisells wher  
in faule oerte  
nile

MARGINAL  
NOTES VERY  
FAINT.

of the kings of ingland are caus of vnn.  
see in vbat authority & credit the normans would haue  
ben in. 1444 in the pass also, if should so happ, the

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dishonourable & most miserable fame, of our contrie &  
us naturallie ingliste, that now ye and vvee together  
in this our age; heretofore of suche olde & ancyen honor  
so long countid; shulde now be come subiecte unto scotland  
& gouernid of the scotts. I vrill pass ouer, I saye  
I vrill pass ouer, that gret dishonor & infamie: and  
beside, the gret presumption & likelihood of suche continu-  
alle turmoile trouble & extreme charge, as shuld therby  
aduaies happen to us & this our contrie, by the stirs fac-  
tions, & continuall mutinies: that shuld daily happen  
arise amonge the scotts: bothe by ther owne practises &  
els by the helpe stirs & moions, of o'er forains. But  
sins it maie apere by the same, & by dyuers other here  
touchid, so manie aduaies so daingerouse, so incomodiouse  
& so inconuenient & unse, for us to haue A scott to our  
Quene (if the ladde do not caste it upon her) to come in  
the matter, Lets now see for our better instruction  
& better folowing, of our duties, what the ladde  
saith therunto.

It is plane that the Quene of Scots, is borne in Scotland  
& therefore it is first to be lernid, if scotlande be, to be  
countid for anie part of inglande or no? for if ther  
were no other person, that had better title by statute, or  
ells by the will of king. H. sh' eight, than by being next  
of blood: if Scotland be consentid within ingland, and  
the scottish Q. being without all question, next of blood

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we must alie cōfesse that the successiō aparitid unto her  
But if scotland be out of englande, and out of his obedience  
of the kinge of englande: then must we see, if a person  
born out of the realme of englande, and of such an  
another strange, & out of his obedience, of the kinge of  
englande; maie haue any iuste title or iust restē unto the  
Crownne of englande or no? for what is he clamid or  
alorvid: is to be clamid & alorvid, according to the lawre  
VNTO the firste part is maie be confessed, that in tyme  
passe some parts of scotland, haith bē commaund vnto our  
alegiance, as aperith by a case in 42. of. E. 3. fo. 2. but  
howe muche ther of solvith not. vricht is alorvid yet  
promith lile to this effect. for i neuer termid that our title  
unto scotland did growe othervise, than by the sword.  
& so long as it was so hold: so long mough it be so coun-  
tid under our alegiance & no longer. And we haue  
by author:ie sufficient, not only to proue that holden by  
the sword: but also by good & iust title, dyuers o. her  
contres, vrichte are at this daie vvi holden frome us. and  
yet i suppose ther is fewe of opinion or that thiuekish those  
that be born in those contres nowe: to be alorvid, acceptid,  
or taken, as subiects or vassals, unto our Prince:  
But rather as nere aliens & strangers, unto all entente  
& purposis. vrichte example in this case moue's office  
But to proue that Scot'lande hath ben alorvid, as a king-  
dome by itself: Rede the graue & saige saibers of our

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larne & make well ther wrtings & iudgements: and  
those that desire to see & lerne further, let them looke  
th ameyt in causes peaces, & leagues: & the records  
maide & left of the same. In tyme of warr, dothe they  
not repute them as enimyes; and not as rebels? when  
they be take in slyrmushe, battell, or otherwise: be they  
ransomed & deliuered as prisoners, unto A foraine  
prince: & be they not yet thus vsul? In tyme of peace  
be they not comonly upon suite, maide denizens, as other  
strangers? And in Embassaige, be they not delt and  
intratid wiche likewise, as wiche aforaun prince? and  
smallie ells in all other matters, be they not so comptid  
of? Doth not masie Luelton in his title of seneage  
set furthe akynde of tryall for seruice in scotland, so be  
done by the ma. s. all of s. e. fild; wiche tryall, is onlie  
deu unto aforaun nation? and in his chapter of grande  
sergeunte, callithe be them not enimyes? what ques-  
tion is ther than, to those that will see or be indifferent?  
But that scotlande is aforaun natio, unto alle insets &  
purposis: as fraunce flanders & suche other like; But  
not of fraunce, flanders, nor suche other lyke: be  
comptid, acceptid, or taken, as any part, or p. cell, of  
yngland or as at th obediēce, or allegiance, of the kyng of  
englande. And therfore nomore is ther cause, why  
scotlande, shuld be allowid, acceptid, or take, as for any  
part or p. cell of england, or as at th obediēce or alligance



of the kyng of yngland.

Syn then is doct<sup>r</sup>e  
thus apere, that the Quene of Scots is borne orrute of the  
Realtme of ynglād: & of father & mother strange, the  
father a scot, the mother a french womā, & orrute of the  
obediēt & alegiāce of the king of yngland: it resteth  
nowe to see whether notwithstanding, she maie inherite  
or be capable of the Crōvne of yngland or no?

But by the waie, before we procede any further, Let  
us see if this matter be, to be ruled or iudged of, by the  
orrells withoute lawe? for ther be some suche strange  
pleaders & of such cōfoundid iudgements, as ar not ashamid  
to utter and maintaine, that in casis of succession of the  
Crownie: ther is no lawe at all to be obseruid. which is  
as for the to saie trulie (in fewe words) rather of some  
gret & argāt image of beastlie ignorāce, or els of some  
abicyouse & vaine practitioner: than of any iudger  
either with any grete gifte of reason, good knowledge  
zealfull minde, or sounde iudgment. for if lawe in such  
casis haue no place: how shuld it be thus taken that the  
Q. of scots: ether dothe or shulde pretende this title by  
any other pson: but by the sword? for if we oughte  
to iudge of the succession of the crownie by lawe: ther is  
no other than no other meane but that. And if the sword be  
thus be admitted for iudge: vvh shall then let ther be  
some be not likewise most vilfull corrupt & bluddy iudge  
in all ower things? and bring ther vvhich suche vvhich

confusion; that this noble Realme of ours, maie so sente  
 rather to be inhabited: w<sup>th</sup> the Tygres Bears, & Lyons  
 & suche other beasts: than with men, either of iustice  
 reason valor zeale or gouernment: as heretofore it haue  
 bene cōptd. But for all this, if this case be so be iudg'd  
 or rul'd ouer by lawe, then let us see also by what lawe  
 for some vvil saie besides, that the matter ought not to be  
 dem'd or iudg'd of, according to the lawes of this realme  
 the vriche ther mastes ships call municipall: but accor-  
 ding unto the Cyvill. in w<sup>ch</sup> thether opinions, they shewe  
 them selues grete strangers in ther owne cōtre, and very  
 stranglie affectid: & litle understonde, or els slender-  
 ly to regard, under what lawe they be born as subiects  
 for although in some placis of Christēdome: they gouern  
 by the Cyvill lawe of the Romaines, and onlie apō certāe  
 poynts haue Municipal lawe: it is not ther for so in euē  
 place. & p<sup>ar</sup>ticularlie in this our realme it is certā: that  
 generallie vve knowe, nor are bounde to aknowledge, no  
 other lawe, than our owne. saue in some few matters, and  
 other specysfied & authorizid by our owne lawe, and so  
 maide ours. vriche is sufficiēt for vs understand, that  
 in all not specysfied or authorizid: vve haue nothinge to do  
 w<sup>th</sup>. But are bound to our owne imperiall & naturall  
 lawes of this realme of inglande, and to no other. Sins  
 then it dothe thus apere that vve ought & are bounde to  
 iudge according: to our owne lawe & by no oier: Let us

nowre see what our lawe saith further hereunto.

Generallie in our Lawe: this is a maxime moste manifeste. VVho soeuer is born out of the Realme of ingland: and of fither & mother, wiche at the tyme of the birth he not at the obedience of the king of ingland: can not be capable to inherite any thinge in inglande. and this is thus obseruid & so indid of without all contrarietie.

And thus the generall rule is. VVho soeuer is born out of ingland, and of fither & mother out of the obedience of the Crowne of ingland: Can not inherite any thinge in inglande: VVho soeuer is not able to shewe furth anye peticuler lawe, for the disposicion of the Crowne: otherwise: must needs cōfess & yelde, that the same lawe also: hath the full force strength & vertue likewise, in the inherytance of the crowne. for wether ther is A Generall rule or Maxime: VVho soeuer will repunge aganste it or saie, that ther is either peticuler rule or lawe to the contrarye: muste be benaledg & shewe furth the same, or stonde & yelde unto the generall: or ells of necessity: seme to guyde and gouerne them jilfs, withoute alle lawe. for thus ther is no lawe: but ether it is generall or peticuler: vvho soeuer desire not accept the generall nor is not able to shewe furth anye peticuler: come the so right utterlie voide, both of lawe & reason. wiche were to gret ainconueniēce. But some wil object & saie that ther muste be yet a the leste A difference

As aperithe  
T 5 E 2. t. ayle.  
M 13. E 3. t. b  
677.  
P 21. E 3. t. c. of  
H 24 E 3. fo  
H 22 H 6. fo  
11 H 4. fo. 23  
in the in. t. vil  
& befall in di  
other placis, a  
Bracton Brit  
the rest of the fa  
of the lawe.

to the succession of the Crowne, & the succession of  
other inheritance, because other things may be test by  
testament & that the Crowne can not... which may be  
comprised & taken, but as a frivolous & vaine objection  
upon small ground & to as little purpose. for it fol-  
loweth not: shouldest be some difference in some one part  
or point, that therefore ther shouldest be difference in every  
part or point thereof. And this is especially, in this  
that is now treated of Cum a particulari ad uniuersale  
non ualeat consequentia: Neque etiam a particulari ad  
particulare. And therefore it is not sufficient to saye that  
there is a difference: but it behoueth to shew, whether  
the difference is generall in all parts: or els parti-  
cular in this: that whether in other cases of inheritance none  
inherit that is borne out of england, or at leaste not  
of father & mother which were as the obedience & alle-  
giance at the tyme of the birthe of the kinge of england:  
that in cases of the Crowne, there is no such respect to be  
had at all, whether soeuer the person be borne, or of what  
nation soeuer they be of. But there is no such lawe  
either generall or particular. And therefore of necessity  
it muste be guided & directed, by the general  
rule or Maxime by lawe, of force & ualable in alle cases.  
The lords of the counsell hauing such matter in con-  
sideration when they had in hande the matrimonie betwixt  
the noble & gret Prince. K. Philipp & Q. Mary, under

standinge that in england generallye by the lawe of the  
 lande, the husband after the death of the wife without  
 children, dothe possess & enioie, alle the movables of the  
 said wife, & that ther was no perticuler lawe of force  
 to shew ther againste, for the movables of the Crowne,  
 did thincke that if the matrimonie had ben cōcludid with  
 oute any capitulations or prouision made for the same  
 (if the Quene shulde dye before the kyng) : that then the  
 kyng mought lawfullie haue pretēdid, that alle the mo-  
 uables of the crowne had ben his. And therefore like graue  
 & saige Counsellors, they determinid upō capitulations  
 before & agreed, that if the Quene shulde depart before  
 the king, that the king shuld not haue or make claime  
 to any of those movables that belongid unto the crowne.  
 the which they woulde not haue done; if they had not  
 forfene th'incōueniēce & understandid that the lawe  
 of force & valor in other things; had not ben likewise of  
 like force strengthe & valor in like matters aparteninge  
 unto the Crowne.

AND some alledge for ther purpose herein at uncertain  
 randon (as suche holts be sometimes shote of) th'exāple  
 of H. the 7. which althoughe cōdemnid as a traitor yet  
 not beinge executid (the king dying in the meane tyme)  
 did come & as aunc unto the crowne. But what maketh  
 this unto the matter I pray you, or what was done herein  
 contrarie to the cōmon order or course of the lawe? for

tho he was attainted of treason, and so restid disabled in  
 as his title, as long as the title of the crowne was not caste  
 upon him: yet as sone as the crowne was caste upon him,  
 it is disability ceased. and the reason wherefore it did so  
 is for that he was borne within the lawes of england &  
 onely disabled by reason that his surmised offence, was by  
 lawe adiudged a offence vnto the crowne. & so by the  
 lawe the kynge had authoritie to commande hym to be  
 executid. But when the power & authoritie of the  
 kynge cessid by his death: then the power & authoritie  
 of the lawe cessid. & the this offence & iudgm: vnder  
 by onlie, he was disabled, must of necessitie also cease  
 by cause the offence was the done to him self. for how is  
 it possible that a king can comit treason vnto him self? or  
 how can ye be that the lawe can cut off his owne heade? or  
 who had anie authoritie to execute this iudgm:, but ther  
 must first be a lord to be a kinge to giue this authoritie?  
 and king ther could be none but he: bycause he liued in  
 the sighte of the lawe, by whose lyfe the lawe was restrai-  
 ned to suffer the crowne to decend to anie other. So that of  
 necessitie it must be agreid, that the kyngdome was caste  
 upon him, or otherwise the title of the kyngdome muste  
 cease, vnto the cease haue no colour to be alowed of.  
 And thus hapeth ther therein no noueltie at all. but even the  
 selfsame, that in all other successiōs shulde orderlye haue  
 done. As for example I S is ceased of A man or w



fee simple & his heire aparante is seignior of treason or  
 felonie, & yet liueth: and now I S dyeth: his ma-  
 nor by the lye of his heire aparante, is forbidden to descend  
 to anye other heire, because as long as he liueth, the lawe  
 beholdith him onlie as heire. But if he had ben executid  
 in I S lyfe & so deade withoute issue, the lawe now  
 shall apoynte another, to haue th' inherisance by decente  
 As I S beire. By whiche example, I proueth that of  
 necessitie in that case, th' offence and disabilitie must be  
 clerlye tolled. Bycause the crowne & kindome was cast  
 upō him, as one during his lif, that the lawe did reste upō  
 But if he had not ben before knowne to the lawe, & ther  
 by capable, this could neuer haue hapenid. And therfore  
 for those oute of th' obedience, & alegiaunce of the Prince  
 & lawe of englande: yt makith nathing for the purpose  
 As for Example I put this case. A. S. is married to A  
 frenche woman in france, & ther hath issue a son, and  
 after returnith into england, & ther hath issue another  
 son, & is seized of lande in fee & dyeth: the sonne that is  
 borne in englande, shalle inherite his lande as next heire  
 tho the sonne borne in france be still lyuinge, because  
 ther are no more sonnes knowne to the lawe but one. for  
 our lawe medelith not wth him that is borne in france  
 and the reason of the differēce is. th' one is knowne unto the  
 lawe, & not th' other. for if he lawe could take notice of  
 th' elder brother in france, suerlye the younger brother

should neuer inherite. whiche proueth that the lauer  
casteth the title vpon those, whas is knowne vnto the  
lawe: & vpon none other.

AND to touche more of such stufas they are, of such  
allegations & arguments as they come vnto voball, Some  
brynge furth the example of .H. the .2. the whiche  
borne vnto of the realme; & of father a frenchman, and  
vnto of the obediēce of the kinge: did not. vntill long  
came to the Crowne. But the answer, is playne & easie  
enough, by diuers histories & other proues, and that  
he did not come in, by ordre, or comon course of lawe:  
But by force and vertue of certayne Capitulations or  
agremēt of peace concluded & confirmed of, by parliamt  
in whiche capitulations made apere, that they did not re-  
gard or respecte, wher the lawe was or dyd determine  
therin: but that they sought ther by, to aperse & make end  
of those tumults great troubles & contrarieties, that as so  
long vexed & troubled the realme, in such perillous &  
tempestuous danger, & extreme hazard. for it vvas  
is, euident & playne enough to be understood: that  
Maud the Emprice, the lawfull daughter of .K. H.  
the fyrste, borne in ynglande, styllyuynge: that neyther  
Stephen whiche was sone but of one of the fustlers of the  
king, nor yet Henry the 2. the sayd Mauds sone, could  
succeede the kyng her father. But that matiere her selfe  
was the very true, immediat, and lawfull, crowne and

Successor unto .H. the firste bar father, the last kinge  
before. and yet in the capitulatiō & agrement, it was in  
b: r l i s a c o r i d i d & c o n c l u d i d v p o n , t h a t s t e p h e n s h u l d b e  
e s t a b l i s h i d & c a l l i d k i n g o f i n g l a n d d u r i n g h i s l i f : a n d  
t h a t a f t e r h i s d e a t h e , . H . t h e . 2 . s h u l d e s u c c e d e , a s n o w d i d  
h e d i d ( M a u d e t h e m o t h e r r e m a n i n g q u i t e e x c l u d i d )  
B y w h i c h e x a m p l e d o t h e a p e r e , t h a t i o s h e v r e w h a t t h e  
l a w : v r i l l i e o r i s , t o u c h i n g m a t t e r s t h a t d o t h e a p a r t a i n  
u n t o t h e s u c c e s s i o n o f t h e c r o u n e , & t o t h e p u r p o s e t h a t  
v v e s h e k e o f : i t i s n o p r o f e a t a l l , t o a l e d g e a n y o n e t h a t  
b y a n y m a n e r o f m e a n e , h a t h a d t h e C r o u n e , o r h a t h e b e  
k i n g e . S i n s t h a t t h e s a m e m y g : b y s o m e s o r t e o r m e a n e  
i n d e r e t t l i e . s o m t y m e w i t h o u t e l a w e & s o m t y m e e t h e r  
w i t h o u t e l a w e o r r e a s o n , a t a n y u n t o t h e c r o u n e . B u t  
i t i s n e d e f a l l e t o s h e v v e & p r o u e , t h a t h e c a m e t o i t l a w :  
f u l l i e . f o r f o r c e , o r g u i l e , o f t i m e s p r e u a i l i n g , b e f o r e , o r  
a s s o o n e a s e t h e r r y g h t o r r e a s o n e : v r h o s o e u e r i n o b s e r u  
u a t i o n o f s u c h e t h i n g s , h a t h e n o t r e g a r d o r c o n s i d e r a n  
o t h e r u n t o . s h a l l e q u i c k l i e b r i n g b o t h t h e c a s e , & e l l s t h e  
s i l f s : t o g r e t c o n f u s i o n . A s h e r e i n t h i s , a c c o r d i n g t o t h e e x  
a m p l e o f S t e p h e n : i f v v e s h u l d e i u d g e t h a t t h e s o n n e o f a  
s u s t e r , s h u l d e b e p r e f e r r i d , b e f o r e t h e d o u g h t e r o f t h e  
b o d i e : o r b y c a u s e t h a t a f t e r s t e p h e n h y s s o n n e d y d n o t  
s u c c e d e , b u t h y s c o s i n h e n r y t h e s e c o u n d s o n t o M a u d e  
t h a t t h e r f o r e t h e c o s i n s o u g h t t o b e p r e f e r r i d b e f o r e t h e  
p r o p r e j o n e s : o r e l s b y t h e x a m p l e o f . H . t h e . 2 . i f

we should saye that to be borne oute of the realme, it made no matter: or further by th' example of Arthur some 10 Jeffrey (one of the sonnes of the said. H. 1. be .2. & nexte brother to Richard the fyrst the last kynge before) the wyche Arthur, the next of blood, yet by beinge borne oute of the realme, was excluded, and Iohn the fyste, wyche was a degre further of establisshid, if we shoulde saye that to be born vnto in the realme, did not importe: it is vvere a very sinister gathering, or obseruation agree error amere wrong & more thā madnesse i'tter.

And some aledge the statute of .25. of E. the .3. in titulid, Nati in partibus transmarinis: in wyche is conuenid, that the children of the kynge of ynglande vther so euer they be borne, may not vnto standing, succede ther auncetors & saye that by the names of chyldren, as to be vnderstandid all the dissendens generallie. & therefore the Q. of Scots, beinge come of A kynge of yngland that she ought to be comprid for the daughter of the kynge of yngland, & that she maie inheris vther sooner she be borne To the wyche maie be ansuwerid, that if suche had ben. the intention of the parlyamt, that not onli the chylde of the fyrst degre shoulde inherite, but lykwyse that all the offspringe generallie of the kynge shoulde be inheritable not onli to ther auncetors, but lykwyse unto ther cosins and other parëts: they mough. e as easlie haue namid the descendans generallie, as the kings chyldren perticulerlye.

But since the statute dothe not so: it is not to be thought  
that th' intencio of the parliament was so. And therefore  
the statute is not so to be understādid: but is to be restrai-  
ned onlie unto the children of the king. for in suche deter-  
minations agaynst the cōmon course & order of the lawe  
the vvorde are to be take strictly as they are, & no other-  
wise. And moreover it is denied generallie that accor-  
ding to our lawe, ther is to be understādid by the name  
of Infants properlie anie other degre, thā of the firste  
degre onlie. Since then the statute speaketh not, but of the  
kynge's childre onlye to succede directlie, for whom only  
the same was made (Bycause the kynge then hauinge so  
manie occasions with the Quene his spouse, to be so ofte  
ouer & that the lawes, touching the childre borne ther  
was the so doughtfullie taken) it is not to be stretchid or  
aplied in directlie, unto the succession of other parents.  
And suerlie vvhosoever dothe vvell cōsider that statute  
the difference that it maketh betwene the childre of the  
king, & other persons: is rather in the superficiall part  
of the worde, thā in effect. for if the statute shuld speake  
onlie of the childre so thos, that at the tyme of the birth be  
at th' obediēce of the king of ingland, & saie that ther chil-  
dren shulde be knowne for inglishe, & that they mought  
succede ther parēts, althoug that they were born oute of  
inglande: and vvhosoever were born oute of inglande  
the father & mother not being at th' obediēce of the king.

of england, could not succede: by this reason the child  
 of the king born oure of englande, according to the words  
 of the statute, could not succede ther auncestors. for  
 we can not saie, that ther father was, or had ben, at the  
 obedience of the kynge of england: not beyng possible  
 that the kynge coulde or shulde be vnder th'obedienc of  
 him sylfe. & so shulde they in that poynte haue bene in  
 worse case & conditiō, than the children of priuate per  
 sons. And therfore saynge that the chyldren of the king  
 wher soeuer they shuld be borne, mought or shuld suc  
 ceade. that is not nor was nor, to geue them anye other  
 priueledg, but to make the touching this poynt of equall  
 rygh. & reason unso all other. so that the effect of the sta  
 tute is no other, than if it had generallie sayd, that whoso  
 soeuer were born oure of englande, of father & mother  
 that at the tyme of the birth was englishe, as members of  
 the publyke vreal of england, & parteners of the lawre  
 & comodities of englande, of & as naturalie englishe:  
 shuld be take & knowen for englysh. & mought succed  
 ther parents as englysh.

Other go aboute to build castells in th'ayre & to weine  
 grete veebbs, vnto the silf of lytle stuff. & saie the lawre  
 of god doth acknowledge, & admit for lawfull those that  
 be borne in any place of the worlde: & that therfore who  
 soeuer is legitimate, according to the lawre of god: no  
 mans lawre can make illegitimate. & from hence cōclud



that for she. Quoscois to be born oute of the realme, making nothing againste her. vriche be of those strangers at home in ther owne coutrye, & the hyle understoode abroad, vriche I haue before remembred. suche as either byue so obstinatlye, as tho they carid for no lawre: or eilis so ignorantlie, as though they knewe none: and yet so malycouse as they can not chuse but speake agaynst y: for vwho see the not, that it is one thinge to ipeke of being born legitimare or bastarde: and another of inheritaunce or succession? for to be borne legitimate or bastarde: is iudgid acordinge to the good & honest ioyning in lawfull matrimonye, or ells otherwise: & the interest of inheritance or succession, is governid & derectid by dyuers other good & lawfull reasons. no man here in doth asfirm or denye, whether the Quene of scotts be legitimate, or no? but the question is whether she may lawfully clame the crowne of england or no? Vnto vriche respecte her tytle is neuer the more, sho she be legitimatlye borne, onlesse she be likwise touching & success: or authorisid by the lawre of this Realme of england. concerning beyng legitimate, one legitimate childe or other of like kyndred or affinitie, hath as good interest as tho otherwise: but touching the lawres & good & holfome order, & pollicie of this realme: the lawre doth make distinctions almoste infinite. suche as haue be bothe vnto the authoritye of the scriptures, of sholde & auncient doctours, and of the

good & goodlie magistrats, & other graye & saige  
 men of the lawe, ther by authorizid & thought in euery  
 place for the countrie most meetest, & for the gouernment  
 of the publike weale alwaies most sure & profitable.  
 wherein I refer me to the iudgments of all nations, states &  
 ages, of wiche ther was neuer none so rude or barbarous  
 but had their lawes touching succession, either written or  
 als by custome alwaies obseruid. But suche force haue the  
 affections of these good people in the as blacke sembla  
 white, & white blacke. and by this meane they would  
 not onely breke the authoritie of one lawe, but of alle.  
 & in effect make lawe no other: than that, that mought  
 best stand wiche ther force, or best like ther owne  
 affections.

And some object as shute anker passing all the rest, the  
 marriage now wiche the lord Darlye, as full supplement  
 unto alle her defects: for that he is born inglyshe. as the  
 her title be by the lawe defectiue, & of no force, or va  
 lor, that yet by him all were saluid. wher by to be shone  
 ther is as little holde to be caught: as by the reste before  
 rehersid. and herin the muche more mought be said yet  
 wille I now alledge no other authoritie: than I finde in  
 the allegations not longe agoo set furthe abroad, in the be  
 daise of the Q. of Scots. by some, who as it maie seme now  
 by the sequelle of her marriage, more affectionate to the  
 continuance of her title, than therein uerger preiuge of her

12  
counsell, yet hoolie hers & of her oune faction. vnder  
how the Lady Margoris Quene of Scots, was compar-  
ed to steward, howe after she mariede Archibalde  
Douglas Erle of Angushe, and had by him in at  
tyme, the Ladye Margeris Lenox that now is: & after  
that was diuorced & pronouncide the wyse of the said  
steward before contractid unto: & not the wyse of the  
sayd Archibalde Douglas Erle of angushe, and so  
returnd & lyuid wth the sayde steward: wth the  
reste touching the same, is playnlye enoughe declarid:  
whiche being true, as it is probable by other meanes playn  
fullie enow: thā is is certain, that the lady Lenox cā  
not be legitimatlye borne, nor she, neither anye that cā  
ithe of her, anie waie capable, to the inheritance of the  
Croune. and sins it is so, we must conclud, that by that  
marriage wth the lorde Darlie, the Quene of scotts title  
is no waie betterid, but rather so darkenid wth the  
more stutte & greuer inconueniēss.

AND so the generall rule or Maxime, beinge still in  
full force strengthe, & Verue, that whosoever is not  
born in ingland, or at leste of ffather & mother, that at  
the tyme of the byrth, were as sh' obedience of the kyng  
of yngland: Can not haue, or enioye, any inherytaunce in  
yngland: & that ther is no lawe, that ether parrye a litle  
in thys poynt, or generallie in all poynts: do make dis-  
ference, betwixt the successō of the Croune, & the succē

If anie doubt  
this diuorce, let  
resorte to the sco  
or romishe recorde  
& ther he shall f  
besids that th' erl  
another wislyuid  
when he matchy  
with the said Qu  
be shalle not nede  
eulle for anie igh  
testimonie.

note that this F  
steward, was aft  
L. of messen.

cession unto other inheryances: who soever is not dissol-  
 id to take nor anye alle lavyr, muste of necessitye also  
 conclude (all thies unse & wrestid obiectiōs & exāplis  
 brought & alledgid to serve ever carns, to the contrarye  
 nor withstandinge) That whosoever is not borne in  
 inglande or of father & mother at the tyme of the birth  
 at the allegiance & obedience of the crowne of inglande:  
 cannot succede, or be inherytable, ether to the Crowne, or  
 to any thinge else in inglande. And thus it is true, that  
 the Quene of Scots is not so born it is a thinge moyste plain  
 & evident: that she can no waye have anye s<sup>t</sup>e or law  
 full title, unto the Crowne.

These reasons to these not used to deale, in the knowledge  
 & contraverfies of the lawe, or other disputatiōs: made at  
 the first readinge parauēture, not altogether be thought  
 understandinge, but who vwill take the pains to rede them  
 over & over againe consideratly, shalle finde them  
 moste plane & certaine. **AND** thus do ye

see partlye the opinions of thiese affectionatid & fantasti-  
 cal persons, of dispositiō rather to cavill & caste oute  
 doughts, vther neether ther is nor cā be any, & redier be  
 muche more diligēt, to seke the cōtēment of ther apas-  
 tionatid & corruptid desirs, the ether the seruise of ther  
 prince, mātenūce of ther lawes, or els the weale or pros-  
 peritie of ther cōtre, thus plainlie laid furth before ye,  
 and that not onlie the lawe doth not cast it, upō the Q. of

Scots: but that therein, it is, quyte aginste her.

wherfore the case ston dyng so: And of th' other syde, so manye prayes so incōmodious for this Realme: that she shuld be anye swaie acceptid herunto, (as before is part ly remēbr'd, & ells by manie other mought be hesyd, herefor bryfnesse past ouer) whosoever dothe fauor faction, or furiber: th. ther iniuste and vnlawfull dysyre, pretence, ar purpose. Bothe againste. he laswe, the honor, the weale, & commoditie, of. bis our counrye; deseruyth by the law, to be had in no other compt: than as A malycious & rancke enymie, unto this st.ue, & to the puplyke weale, tranquyl peace, & cōmon quyetness of the same.

But yet to knoue onlie, that the Crowne, shulde not of ryght be grantid, unto the Q of Scots: is not alle that doth apertaine nnto the deliuerye or discharge, of: his realm, from all thies dangers doughis & perills, that maye depend: if th' other causis, of: he cherishinge & fauoring of the same, be not in tyme also seen nnto: for as the causis maie be dyvers, th' one more principall, thā th' other yet if yche grif in qualytie, haue not his remedie, tho the chief be curid: th' other are t' increase & abound in tyme. nnto much greter: & parauēture as gret, & i' as muche anoye, as mought th' other. wherfore tho the chief & onlye cause, in right & aquyrie; be thus fullie said nnto & answered: yet let us serche a' o' er by occasions, of



springing growning, & nutremes, of thies conceivings  
 thus unto this poynnt. And thos had, the perfect waie to  
 saue & cure thid: shalbe made the easier. And thies  
 in serch I geffe them, to be chifflie, two. the one Corrupte  
 religion: the other, Vncertainie of succession: for thies  
 two, the one wiche the other, haue brought furth thies ef-  
 fects, tother confusenes. Corrupte Religion, blindid  
 wiche the harte of the trube of the gospell, & thos, that  
 dothe pssse the same: haue inducid so manye t' affectie  
 the Queine of scotts in this case of successiō, without all  
 consideration of anie lastfulle title. in sorte that they  
 neither haue semid to care, for the avācemt of the right,  
 maintenance of the lawes, honor fame, or comoditie  
 of the countie, or for anie thinge els; so that they  
 mighte tūce tūne unto ther accustomed idolatrie &  
 wontid crueltie, to washe ther hands in the blood of  
 such faithfalle of wiche good liklyhoods: & other dispo-  
 cyous, here to manye to touche. thies late beginings of  
 the Queine of scotts to trouble the good people in Scotland:  
 & els the practises abroad, as well to Rome as other  
 places: forr speels well enoughe knowen & discoverid  
 gythid daylye & howe elye, abundante in creff & apa-  
 ran. & cost monie. This braunch t'erfore, is to be seē  
 unto, & that vre goo abou. therin, so set some be ter or  
 ded for such matters, not that: ioriche (for my part) that  
 anie honest or qvryet man, the not yet fullie perswadid



as he mought or maie be; to be the more vexid or troubled  
 or th is the malicyous & open talkers, & doers, in t<sup>he</sup> r  
 presumpuous & papisticall practis, & blinde & must  
 ob. tinate y<sup>e</sup>n rancis: or yet the d<sup>is</sup>simulid or y<sup>e</sup>poecry-  
 call p<sup>re</sup>st<sup>er</sup>s, in manie t<sup>he</sup>r mischauncs, shuld be  
 thus lastlye suffred; But that t<sup>he</sup>r mought be for the  
 honor of the trouthe, ease of the sweake, & suertie;  
 bo<sup>th</sup> of the Prince, & ells of th<sup>is</sup> ole realme: A better  
 order n<sup>is</sup> in bo<sup>th</sup>e: & A better dizifring, of the beha-  
 uers of icbe. The maner wherof, as partly to much, &  
 partlye w<sup>is</sup>t, et<sup>he</sup>r for m<sup>e</sup>, or for this litle tractise) I re-  
 fer to the good & lernid consideration of o<sup>th</sup>er. & that  
 is t<sup>he</sup>n to long d<sup>is</sup>like. Nāmo a trahat periculum.  
 Vncertainie of success<sup>ion</sup>, by the noi, cer<sup>te</sup>is etl<sup>ing</sup> of  
 th<sup>is</sup> same; waith likw<sup>is</sup>e far l<sup>ie</sup> ben occasion of res-  
 doughts, & giuen muc<sup>he</sup> swaie, to thies swauering mi-  
 ginations. And by thiese conceivings past: upon so sim-  
 ple grosvnde, t<sup>he</sup>r is the g<sup>re</sup>ter apar<sup>u</sup>ice, that hercafter  
 the same shuld passe al<sup>s</sup>; un<sup>o</sup> g<sup>re</sup>ter in<sup>o</sup>ueni<sup>en</sup>cys; as to  
 swarre, diuision, & effusion of muc<sup>he</sup> blood: yf the same  
 be noi lik<sup>er</sup>ise in y<sup>e</sup>me remēbred: & perch<sup>ance</sup> (sv<sup>er</sup> be  
 god of his mercye for send) the passing so (by such occasi-  
 ons b<sup>e</sup>fore remēbrid) of t<sup>he</sup> ole realme; et<sup>he</sup>r unto the  
 hands of t<sup>he</sup> en<sup>em</sup>ye: or ells unto continuale bondaige.  
 wher in to saie som<sup>er</sup> what, for t<sup>he</sup> auoiding of t<sup>he</sup> same,  
 The best remedie of all that maie be thought of: sv<sup>er</sup> is it.

pleasid god to grunte A good husband, & children, to  
 QVINE ELIZABETHE. Next, (for that the  
 same is a thing uncertaine, and while it may be affected  
 or while we may dailye praye to god for the same. by  
 cause the first occasion, to make some good provision for  
 she wurst is not to be let slipp, or for slovn) that the par-  
 lement monght decyde, who were the very true, & legi-  
 mate Successor.

And althoughe, ther be manye  
 grei occasions & upon good reason: that monght partlie  
 move her magestie partlie to decline from such persvra-  
 sion, yet if her highnesse do vrell consider with her self  
 in what ruin, distruction, & most miserable case, this  
 realm of hers shuld be left in: if this doubt & uncerteiny  
 in her magesties tyme be not take aswaie or remedid: it  
 is not to be thought, that after the consideration therof,  
 ther shuld be left anie occasion of argumt, or doubt of  
 such importace, to the contrarie: But that her highness  
 according to her magesties, accustomed, singuler &  
 princelye, bountye: & tender love & affection alwayis  
 toward her highnesse countrie & most loving & faith-  
 full subiects: were most gracyouslie to consider, & to  
 make esteeme therof.

O therwise in thies aparante afflictions, if reason be com-  
 mitted unto the sword: who can without teares, thinck  
 upon th unhappie & most miserable state: of this our  
 countrie? Such contraversie in anie tyme, were sufficent

to kindle A endlesse fyre, of grete confusion, & merue  
louise mischys. But in this our tyme, (if ther be no pro  
uision maid) it is most liklie to come to greter extremitie.  
for the minds of manie, by contrarie opinions, in  
religion, thus deuidd: if anie partie the better i' at a  
ther purpose, shuld vryn the good wile & sinor of th on  
syde: And s. h other of the contrarie: & ther vnn  
full to the shedding of blood: it vwere A most horryble  
& vnklye spectakle to be hold, what crueltie vwere liklye  
i' ensue. and the feare of the law takē a vnaie (as cōmon  
lye in such matters it is euer) what robberies, what mur  
ders? & finally; what confusion, vould ther be in all  
things? And thies be no vaine imaginations, for the  
gret & terrible tumults lastie raisid in francke upō s. v  
er occasions & of lesse inportannc & dāger: than thies  
before rehersed, be freshe, alas, to freshe, in memorye  
in vriche yet all thies mishaps, & doulfulle dydes, ha' th  
chancyd: And vwho see: h the lyke misfortuns liklie un  
to his contrye, & is not mouid to compassion: he mustel  
thincke, haue akarte to harde & to vnnaturalle.  
yOV therfore that goo abovvte, for the maintenance of  
your obstinate & confound opinions, in your innare  
stuburne & disobediēt minds to god, your prince, &  
counrē: Behold this tittle that manye of you extolle, &  
consider (if you can use anie deliberasion at all, agai:st  
your oven imaginatid & drouisie dreams) vwhat religiō

What lawre; or what authoritie; ye haue to maintaine  
 the same? & if yee haue anie besides the bluddye sword  
 th'acustomid lawre, & only title, of your professiō: shew  
 furth the same, & leave to make Religion your amby-  
 cyouse practicioner unto your uncomely desires, & shild  
 to your disobediēt stubborness, leaue; saie to thynck that  
 ye hazard any credit, by turnige to be irrepungnable  
 trothe of gods hollie word: & so be ha: lie obedient to  
 your prince, & loving to your naturall countre: leaue to  
 be ashamid or disdainfull therof, & so thynck that thies  
 singlre practicis, maie be profitablen unto you: vwhen  
 they are so aparte, more vri h the hope of your particu-  
 ler, & ye. vncertain auācemēs: hanells for anie other  
 cause of you ether in lawre, or reson, to be alovid of.  
 Consider vrell what yee doo: vvhē ye goo abovte to give  
 advise, covnseill, or boope: to A strange prince. contra-  
 ry to the lawre, honor, & vvreale of your countre: & vvhē  
 ye indure your selfs: to put in th'eares & heads, of as ma-  
 ny as you can such false & pernicious opinions (as co-  
 moulye by your practicis, are dalye sovne abroad) prepa-  
 ring & stirring ther minds to such incōueniēcis. & vvhē  
 they be things of beynouse example: & in no vwise to be  
 born vri hall: but rather such seuer demonstration to  
 be maid of the same: as be sh' against enimyes to the  
 Crown; & countre. & as i haue had some informatiō of  
 some: more than A dozen or two; of gret fauorers &

some doers in thes casis. Iust the same case not from the  
 practis: I shall not (god vrrilling) cease to make them  
 known for succor: as they may be exâple unto aliother.  
 O Blind sorte of ill disposition. vrbas spryte haith con-  
 foundid yee, or vrbas benyfit haith persvaidid ye, to  
 this deuifis? Do ye thinck that sedisyus minds: to the  
 naturall contre: can be other vwise among strâgers than  
 sedicyouslie thought of? or are ye sure if the Q. of scois  
 had anie iust title, that she mought not vrith a good pol-  
 lycie open her eyes as easlye: as manye of you haue shute  
 unto yours? or if she shuld not: than she had not y. of  
 hers, so put in auctoritie & credit beside you? is it not  
 possibl. that thos of you, in gretest hoope of advancement  
 mought honeste repent your unnaturall indeuor? & be-  
 vrayle to laie the deuifis of your ambicyus minds? Stai-  
 the for gods sake, & inform your sylfs in these thyngs in  
 tyre, by good & sounde instruction. Let not affection  
 leade you to be carres of: hies error yose opinions &  
 rumors: But unio your utward granitie, vse inward  
 & ale, to god, your prince, & contre. Disremember not  
 your naturalle soyle, of so manie that mough: be presy-  
 table unio y: Bu. calle your sylfs home: to the flock of  
 louinge Chyldren: say: I fülle subiects, and hartye vrell  
 vllers: of Gods holie vrill, your louing & mercyfull  
 Prynce, and naturalle Countre. And rest ther, in  
 vrill: yt maie please God.

What lawre; or what authoritie; ye haue to maintaine  
 the same? & if yee haue anie besides the bluddye sword  
 th'acustomid lawre, & only title, of your professiō: shew  
 furth the same, & leave to make Religion your amby  
 cyouse practicioner unto your uncomlie desires, & shild  
 to your disobediēt stubborness, leave; saie to thynck that  
 ye hazard any credit, by turnige to be irrepungnable  
 trothe of gods hollie word! & so be hartely obedient to  
 your prince, & loving to your naturall countre: leave to  
 be ashamid or disclainfull therof, & so thynck that thies  
 simple practicis, maie be profitable unto you: vwhen  
 they are so aparate, more vvhith the hope of your particu  
 ler, & yet vncertain auācemēs: hanells for anie other  
 cause of you ether in lawre, or reson, to be alovid of.  
 Consider vwell what yee doo: vvhē ye goo abovte to give  
 aduise, covnsell, or hoope: to A strange prince. contra  
 ry to the lawre, honor, & vveale of your countre: & vvhē  
 ye indener your selfs: to put in th'eares & heads, of as ma  
 ny as you can such false & pernicyouse opinions (as co  
 moulye by your practicis, are dalye sowne abroad) prepa  
 ring & stirring ther minds to such incōueniēcis. trulye  
 they be things of heynouse example: & in no vwise to be  
 born vvhithall: but rather such seueredemonstration to  
 be maid of the same: as be sh'against enimyes to the  
 Crowne; & countre. & as i haue had some informatiō of  
 some: more than A dozen or two; of gret fauorers &



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 Prynce, and naturalle Countre. And rest ther, In  
 myche: yt maie please God.

order thise things so: as yve maie enioie good peace  
 & quye nesse, vnto his honor, & vnto the glorie, of his  
 boolye Name.

D E V L C M E  
 B T S A E  
 C P I E E  
 R Q I N  
 D E B T E I  
 S V B V R L I T  
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